IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 515 OF 2004

Sanghi Oxygen (Bombay) Pvt.Ltd. ...Petitioner.
Vs.

Municipal Corporation for Brihanmumbai. ...Respondent.

....

Mr. Deepak Trivedi i/b. Mr. K.C. Mehta for the Petitioner.
Ms.Priti Purandare for the Respondent.

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CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

October 11, 2004.

P.C.:

The petitioner requested the Corporation for regularisation of the residential premises to commercial premises by an application dated 3rd February 2001. The petitioner has mentioned that "you are requested to regularise unauthorised change of user of 1st floor by charging penalty, if any". In pursuance to the request of the petitioner, the respondent-Corporation imposed penalty for change of user, way back in the year 2001. The respondent has already acted on the petitioner's payment of penalty and development charges and has granted regularisation. In this view of the matter it is hardly open to the petitioner now to seek refund of that amount by filing this petition.

In case if the petitioner was aggrieved by the order, he ought to have filed an appeal way back in 2001. The petitioner has filed this petition almost after three years of the regularisation by the Corporation. In this view of the matter, in our considered opinion, no interference is called for. This petition being devoid of any merit, is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.